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10/799,199	03/12/2004	Wade Everelle Williams-Hartman	395-002	7418

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EXAMINER

FERNSTROM, KURT

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,199

Applicant(s)

WILLIAMS-HARTMAN, WADE
EVERELLE

Examiner

Kurt Fernstrom

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/12/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not). Because of an apparent typographical error, the claims skip from 26 to 37 on page 59 of the disclosure.

Misnumbered claims 37-60 been renumbered 27-50. However, applicant must amend the dependencies in the claims in accordance with the renumbering (i.e. claim 28 depends from claim 27, not claim 37).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The language pertaining to "providing a path" in claims 1, 26 and 27 is indefinite, and is not described in the specification in such a way as to apprise one of ordinary skill in the art of its meaning. Also, claim 11 recites "said

backing”; this limitation lacks antecedent basis. Claim 15 is indefinite because it is not clear what is meant by a “cold form blister”.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8, 9, 11, 19, 24-27, 29-34, 36, 37, 39-43, 47, 52-55, 57-61, 67-70, 73-77, 79, 83 and 86 are rejected under 35 U.S.C. 102(b) as being anticipated by Intini. Intini discloses in Figures 1 and 2 and in the specification an apparatus for packaging an object in a blister comprising a front panel 10 having at least one aperture and a rear panel 14 having a plurality of removable sections 24, where each removable section has two associated cuts 32. It is not clear what is meant by “providing a path, since the specification does not describe this feature, but the cuts define each removable section and facilitate its removal. With respect to claims 2-7, Intini also discloses a plurality of target areas 18, having an aperture, where the target areas align with the removable section such that pressure applied to the target area forms a tab to allow a user to easily remove the removable section. The target area is an indentation, formed by at least one cut. The target area and removable panel are inherently colored, as all physical objects inherently have some color. With respect to claims 8, 9 and 11, Intini discloses in column 3, lines 44-48 that the device is at least partly coated. With respect

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to claim 19, Intini discloses in column 3, lines 24-31 that the rear panel comprises cardboard. Claim 24 does not recite any further structural limitations, but rather describes and intended use, and thus Intini reads on the structure of the claim. With respect to claims 25 and 26, Intini discloses in column 2, lines 54-58 that an adhesive activated by heat or pressure is used to adhere the panels together. With respect to claim 27, Figure 1 shows a performed cut. With respect to claim 40, Intini discloses in column 1, lines 8-14 that the object is a capsule, pill or tablet. With respect to claims 41-43, a solid form blister strip is disclosed. It is not clear what is meant by the term "cold form blister"; Intini appears to disclose the same type of blister as that of the invention. The remaining claims disclose subject matter essentially identical to that already described herein, and are rejected for the same reasons.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Intini in view of Shibata. Intini discloses in Figures 1 and 2 and in the specification an apparatus for packaging an object in a blister comprising a paperboard. Intini fails to disclose that a clean cut is applied to the device which penetrates the lamination but does not fully penetrate the paperboard. Shibata discloses in paragraphs 21-27 a blister packing

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comprising lamination on a cardboard base, where cuts are provided which cut through the lamination but not the base. It would have been obvious to one of ordinary skill in the art to modify the device of Intini by providing a clean cut as claimed for the purpose of providing a cut which does not come apart during normal storage but may be separated by a user when desired.

Allowable Subject Matter

Claims 1-49 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to disclose all of the limitations of the claims. In particular, there is no suggestion of a combination of a blister package with a removable section in the rear and front and rear panels which are laminated, and which include two cuts for removing an object and a clean cut around the perimeter as recited in the claims. The presence of front and rear laminated paperboard panels encasing a blister sheet allows for a more secure, durable package which is more resistant to wear and tear.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sowden, Kanscar, Patterson, Gartland, Seeley, Bartell, Braber, ColDepietro, Paliotta and Margulies disclose various blister packages.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Fernstrom whose telephone number is (571) 272-4422. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jessica Harrison can be reached on (571) 272-4449. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KF
August 16, 2005

